

08/16/88,692

BAX M  
PETITION 5/17/14

Doc Type: PET.OP  
Document Description: Petition for Review by the Office of Petitions

Approved for use through 07/31/2012. OMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT  
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)

First named inventor: Lyle Clemenson

Application No.: 688,692

Art Unit: \_\_\_\_\_

Filed: July 29, 1996

Examiner: \_\_\_\_\_

Title: Stump Cutting Double Claw tooth structure

01 FC:1599

265.00 OP

Attention: Office of Petitions  
Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
FAX (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions  
Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus any extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

07/13/2012 DALLEN 00000009 08688692

NOTE: A grantable petition requires the following items:

01 FC:1461

65.00 OP

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional

1. Petition Fee

☒ Small entity-fee \$ 65.00 (37 CFR 1.17(m)). Application claims small entity status. See 37 CFR 1.27.

☐ Other than small entity-fee \$ \_\_\_\_\_ (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in

the form of check (identify type of reply):

☐ has been filed previously on \_\_\_\_\_

☐ is enclosed herewith.

B. The issue fee and publication fee (if applicable) of \$ 65.00

☐ has been paid previously on \_\_\_\_\_

☒ is enclosed herewith.

Adjustment date: 08/10/2012 CKHLOK  
07/13/2012 DALLEN 00000009 08688692

01 FC:1461

-65.00 OP

Adjustment date: 08/10/2012 CKHLOK  
06/29/2012 DALLEN 00000010 5623978

01 FC:1463

-288.00 OP

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number

## 3. Terminal disclaimer with disclaimer fee

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ \_\_\_\_\_ for a small entity or \$ \_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

## WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

Lyle Clemenson  
Signature

Lyle Clemenson  
Type or Printed name

100 n. 74<sup>th</sup> Way  
Address

Brooklyn Park, MN 55444  
Address

06/29/12  
Date

Registration Number, If applicable  
763-951-3294  
Telephone Number

Enclosures:

- ☒ Fee Payment
- ☐ Reply
- ☐ Terminal Disclaimer Form
- ☐ Additional sheets containing statements establishing unintentional delay
- ☐ Other: \_\_\_\_\_

## CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

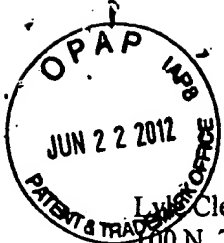
I hereby certify that this correspondence is being:

- ☒ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.
- ☐ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.

06/29/12  
Date

Lyle Clemenson  
Signature

Lyle Clemenson  
Typed or printed name of person signing certificate



Box-M/4

Lyle Clemenson Patentee  
100 N. 74th Way  
Brooklyn Park, MN 55444 763 951 3294

RE: Request to accept Maintenance fees per: 1.181  
Patent # 5623978

June 19, 2012

Mr. Commissioner for Patents.

After having my company do business at our location for over 20 years the Minnesota Highway Department came and Eminent Domained us out of our business location to build a freeway. And they gave us 90 days to move—because they said they had dedicated funding that was to be spent. We ended up in three different locations because we could not find one location that we could afford and that could accommodate all of our operations: office, machine shop, warehouse, and processing. This disruption caused years of problems: employment, lost and placement of records and other paperwork. Even though we had some of our costs reimbursed there were other costs such as lost sales because we were not able to do planned marketing which will never be able to recover. In addition to this move we lost paperwork, records, time, employees, & profits not reimbursed. Had we been left at our location we believe we could have had our paperwork in order and the maintenance fees taken care of.

In addition to the above: being a small businessman, employing 15 to 20 full time employees, for the many years I spent and many hours working to apply for this patent and spending limited funds to make it work. Another important item is that should I sell my small business it would enhance its value.

In summation, had we not had the above take place we would have been more attentive to maintaining our paperwork and the necessary fees would have been paid.

I would be grateful your taking a look at this so I can continue having this patent.

Thank you for considering my petition.

Sincerely,

  
Lyle Clemenson, Patentee

06/29/2012 DALLIN 00000010 5623978

01 FC:1463

200.00 OP

Enclosed: Personal check for \$200.00

Regarding: 1463 1.17(g) Petitions requiring the petition fee set forth in 37 CFR 1.17(g) (Group II)